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February 1, 2024

Hon. Cathy L. Waldor
Martin Luther King Jr. Courthouse
50 Walnut Street
Room 4040, Courtroom 4C
Newark, New Jersey 07101

RE: Vision Industries Group, Inc. v. ACU Plasmold, Inc.
Case No.: 2:18-cv-06296-ES-CLW

Dear Judge Waldor:

We represent Plaintiff Vision Industries Group, Inc. (“Vision”) in the above captioned matter and write to provide Your Honor with an update regarding the Joint Pretrial Order due to the Court today and a request to enter the previously submitted proposed Order.

Vision has not received a proposed exhibit list or any proposed revisions to the previously submitted Joint Pretrial Order from Defendant ACU Plasmold, Inc (“ACU”).

Vision’s counsel offered multiple dates to meet and confer with ACU’s counsel beginning in December of last year. ACU agreed to one meet and confer but did not provide any exhibit list or proposed revisions to the Joint Pretrial Order before the call. During the call, Mr. Miller acknowledged the need for an ACU exhibit list and assured Vision that it would be sent in the near future. To date, ACU has not sent a proposed exhibit list, has not responded to Vision’s exhibit list, and has not proposed any revisions to the previously submitted Joint Pretrial Order.

Vision does not plan to make any motions *in limine*. Vision has no changes to any of the Vision sections (including the exhibit list) of the previously submitted Joint Pretrial Orders.¹

Despite its best efforts, Vision has not received any feedback on its sections from ACU since the pretrial conference last year, and has not received any new information from ACU regarding an ACU exhibit list or any revisions to ACU’s sections.²

¹ The parties submitted a proposed Order with a Vision exhibit list on November 6, 2023. The parties submitted a revised proposed Order on December 6, 2023 that contained the same Vision exhibit list and facts, and revised facts from ACU (but no ACU exhibit list).

² In an effort to encourage discussions, Vision explained its objections to ACU’s request to add previously unproduced documents in writing with citation to appropriate authority and simultaneously offered availability to discuss the matter on a telephone conference. ACU did not accept the offer for a call and has never explained why it should be able to introduce new documents and theories at the pretrial stage.

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ACU requested and was granted two prior extensions to file its portion of the Joint Pretrial Order (Dkts. 214, 216). The Court then held two pretrial conferences without ACU submitting an exhibit list. This is the third time ACU has not prepared an exhibit list when a pretrial Order was due in this case. (Dkts. 220, 223).

On November 28, 2024 Your Honor Ordered:

TEXT ORDER: Counsel for defense did not file his final pretrial submissions. They will be incorporated into the final pretrial order filed by the plaintiff and submitted to the Court by December 6, 2023. In the event that does not occur plaintiffs final pretrial order will be executed by this court.

(Dkt. 220).

Because the defense has not made the final pretrial submissions required by the Court's November 28th Order (Dkt. 220), Vision respectfully requests that, in lieu of resubmitting the previously filed pretrial order, the Court enter Vision's pretrial order submitted to chambers on November 6, 2023, and that ACU be precluded from introducing exhibits at trial.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Cukor". The signature is fluid and cursive, with a small mark at the end.

Michael Cukor

cc: Counsel of record via ECF